

EXHIBIT “B”

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.

02-CV-3830

4 BOARHEAD FARM AGREEMENT Judge Legrome D. Davis
5 GROUP,

Plaintiff, Oral Deposition of:

6 vs.

Leonard Wolberg

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

18 * * * * *
19 Tuesday, November 23, 2004
20 * * * * *

21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:00 a.m.

25 Certified Shorthand Reporting Services

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1 WITNESS INDEX

2 Examination of Mr. Wolberg

3 By Mr. Davies: Pages 6, 60, 62

4 By Mr. Chawaga: Page 41

5 By Mr. Fackenthal: Pages 59, 64

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7 E X H I B I T S

8 E X H I B I T I N D E X

9 Appears at the conclusion of this Transcript

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1 O B J E C T I O N S

2 O B J E C T I O N I N D E X

3 (Objection)..... 23:23

4 (Objection)..... 31:12

2 (Pages 2 to 5)

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1 (LEONARD WOLBERG, having been duly
2 sworn, was examined and testified as follows:)
3 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES:)
4 Q. State your name, for the record, please.
5 A. Leonard Wolberg.
6 Q. I'm Marc Davies and I'm just going to
7 give you a couple instructions about the deposition.
8 Have you been deposed before?
9 A. Years ago.
10 Q. Well, I'll just go over the general
11 rules.
12 MR. CHAWAGA: It was very easy for me
13 to hear and then the deposition starts and you all
14 start whispering. Whatever level you were doing
15 there before the dep started would be fine.
16 BY MR. DAVIES:
17 Q. Well, first your testimony is sworn
18 testimony so that means it's basically the same thing
19 as if you're speaking in court. You need to --
20 carries the same weight. Please make sure your
21 responses are verbal so that the court reporter can
22 take them down and loud enough so they can hear you.
23 Basically what that means is if you nod your head or
24 give an um-hum that doesn't work quite as well for
25 us.

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1 It's also important that we have just
2 one person speaking at a time. Often if you hear me
3 asking a question and before I get to the end you
4 pretty much know what you're going to say, it's easy
5 to sort of break in but we'd appreciate it if you
6 would just wait for the question to be over and then
7 also if someone wanted to put in some objection, they
8 can make their objection and then you can give your
9 statement.
10 And I have to ask you this, I've asked
11 other people, but have you taken any drugs or
12 medication or anything in the last 24 hours that
13 might impact your ability to testify today?
14 A. I take ten drugs in the morning for my
15 medical conditions. Some of them may affect my
16 ability to remember things or concentrate. I'll do
17 my best.
18 Q. Okay. Well, we won't get into that,
19 that's fine.
20 A. Yeah.
21 Q. What's your address?
22 A. 1230 Gant Drive, Huntington Valley.
23 Q. And what's your date of birth?
24 A. 8/26/42.
25 Q. I'll just ask you a little bit about

Page 8

1 your education. How far did you go in school?
2 A. MBA.
3 Q. Where did you get that from?
4 A. Wharton.
5 Q. And where did you go undergrad?
6 A. Small college called Cooper Union.
7 Q. Oh, in New York City?
8 A. Yes. You know it?
9 Q. Yeah, sure.
10 A. Oh.
11 Q. And when did you graduate from college?
12 A. Mid-'60s. 1965.
13 Q. And how about your MBA?
14 A. I'm sorry, that's when I got the MBA. I
15 was in Wharton for two years.
16 Q. Okay. And could you just tell me a
17 little bit about the job you had before you came to
18 Merit Metals?
19 A. It was a position, an executive position
20 in the corporate office of Babcock & Wilcox Company.
21 Q. And when did you start working at Merit
22 Metals?
23 A. 1978.
24 Q. And who hired you?
25 A. Mel Silverman.

Page 9

1 Q. And do you recall what you were hired to
2 do, what your job description was?
3 A. His assistant kind of activities,
4 helping with certain projects that he had.
5 Q. Do you recall what kind of projects?
6 It's a long time ago.
7 A. I don't, I don't.
8 Q. If you recall when you first started to
9 think about maybe purchasing Merit Metals?
10 A. I would say around that time, little bit
11 before that time we seriously thought about
12 purchasing the company ultimately.
13 Q. So a little bit before the time you
14 actually purchased it?
15 A. Right, yes.
16 Q. And you purchased it, it was in 1980?
17 A. Well, we started with a minority
18 position and then we went to a larger position and
19 then finally a majority position and then the
20 company, but I cannot remember at what point we did
21 what.
22 Q. Can you remember about how long after
23 you started in 1978 you started buying a partial
24 position in the company?
25 A. I think it was when I started with the

3 (Pages 6 to 9)

Page 10

1 company that we purchased a small percentage of the
2 company.

3 Q. Can I just ask why you were looking to
4 purchase the company, I mean why it seemed like a
5 good idea at the time?

6 A. My associate and I felt we wanted to
7 have our own business, we had worked for large
8 corporations and we looked around and this was one
9 that we felt was in a rather desirable geographic
10 area so we wouldn't have to move too far, it was the
11 kind of business we thought we could handle and the
12 owner of the business thought that yes, if things
13 worked out he would sell it, so.

14 Q. How long had you known the other, your
15 associate, I assume you mean Len Sayles?

16 A. Yes, since graduate school. We met in
17 graduate school.

18 Q. Now, I guess when you were negotiating
19 over the final sale of the company, did the issue of
20 liability come up as far as who was going to take,
21 you know, any past or future liability for lawsuits
22 whether that was going to stay with Mel Silverman or
23 stay with you?

24 A. I don't remember at all that specific
25 negotiation. I would expect that we would have been

Page 11

1 sure that liabilities that he caused stayed with him
2 but I've got to tell you I don't remember that
3 matter.

4 Q. Do you remember the exact name of the
5 company that you purchased?

6 A. No. No, I don't.

7 Q. Do you recall whether you purchased sort
8 of everything associated with the company, the land,
9 the building, production equipment, the customer
10 lists, sort of everything?

11 A. I remember that there was confusion. I
12 do not remember at that point exactly what it was.

13 Q. Do you recall what the confusion was
14 over?

15 A. No. I don't remember but I remember
16 that that matter was up in the air to a degree.

17 Q. Do you recall whether you notified
18 customers of the change in ownership?

19 A. I don't remember.

20 Q. Let's talk a little bit about the
21 products themselves.

22 A. Yes.

23 Q. I've seen the term brass hardware?

24 A. Yes.

25 Q. Was that essentially what you produced?

Page 12

1 A. Yes.

2 Q. And I've also seen a couple different
3 types of customers that you produced this hardware
4 for.

5 A. Right.

6 Q. Just let me know if this is correct.

7 A. Yes, that's correct.

8 Q. I've seen marine?

9 A. Yes.

10 Q. Then what else have I seen? Decorative?

11 A. Yes.

12 Q. And then government for --

13 A. Yes.

14 Q. Can you just sort of describe what each
15 one is?

16 A. The decorative side of the business was
17 to hardware distributors and resellers. By
18 decorative meant homes, offices, buildings. The
19 government side of the business was mostly the Navy,
20 the marine side of things. And, of course, the
21 marine, speaks for itself, yachts and sailboats and
22 that type of thing.

23 Q. And what products were you actually
24 selling?

25 A. Oh, hinges, locks, pulls, builders'

Page 13

1 hardware items.

2 Q. And what about for the homes, the same
3 kind of thing, hinges?

4 A. Same thing, same products.

5 Q. Can you describe a little bit, if you
6 recall, what the production process was for making
7 these products?

8 A. Yeah. There was a casting foundry, then
9 the product was machined.

10 Q. Okay, what is that, what does that mean?

11 A. It could have been drilled, it could
12 have been milled, it could have been ground. All of
13 those machining type processes. Then it was
14 polished, those products that were ordered polished
15 were polished. And a plate was put on some small
16 percentage of them.

17 Q. And what happened in that casting
18 foundry, just describe that, I have no idea what that
19 is?

20 A. Oh, you would take brass ingot and it
21 would get melted and then you would pour the melted
22 brass into a mold and it would cool and you would
23 open it and take out the product, the finished
24 product.

25 Q. And what did that product look like

4 (Pages 10 to 13)

Page 14

1 after it came out; was it shiny or flat?
 2 A. No, it was -- it was quite bad looking
 3 and it had what -- it had protrusions from the mold
 4 itself and that's where you would have to grind
 5 against the surface to get the shape of the product
 6 that you wanted. That was the first operation, the
 7 machining operation of grinding. But it was not
 8 polished at all at that point.

9 Q. Did you use any lubricants for the
 10 grinding operation?

11 A. I don't remember. I do not remember.

12 Q. What about the polishing operation, what
 13 did you use to polish?

14 A. It went to machining before it went to
 15 polishing.

16 Q. Right.

17 A. Do you want to hear about that?

18 Q. Sure I do. Thank you.

19 A. The machining operation --

20 Q. Do you want some water, I'm sorry?

21 A. No, I'm fine, thank you. I'll get some
 22 if I need it.

23 Q. Go ahead.

24 A. In the machining operation that is where
 25 lubricants were used at times. And that might be to

Page 15

1 drill a hole in a lock, for example, so you could
 2 put -- tap it and put screws in it as an example.
 3 Other machining operations might mill a hole in a
 4 piece, for some reason or other, let's say something
 5 had fit into it in an assembly. And that's what was
 6 done on that operation. And then it was moved to the
 7 polishing operation where they had brushes and wheels
 8 and you would hold the product against it and that
 9 would brighten it up and make it look attractive and
 10 then it was assembled in one way or another and
 11 shipped.

12 Q. And you also mentioned plating, what was
 13 the plating?

14 A. Right, for some operations there would
 15 be a plate put on it, a chrome plate put on it and
 16 that was a minority of the items but some customers
 17 wanted that chrome look to it and that's what we
 18 would do in our plating room.

19 Q. And what kind of products would get this
 20 chrome plate?

21 A. Perhaps a hinge.

22 Q. And you mentioned a minority, do you
 23 have any idea about how many of the products would
 24 get a plate, ten, 50, a hundred percent?

25 A. I knew simply because that was a matter

Page 16

1 that came up fairly recently in our discussions and
 2 what we estimated was approximately three percent of
 3 the sales got this plating operation and we did that
 4 by estimating the amount of people that we had and
 5 the return on sales and then the amount that was used
 6 for plating. So I can answer that because that's
 7 something that we looked at fairly closely over the
 8 last few months.

9 Q. Right. Well, just switching for a
 10 second away from sales. If you just looked at, let's
 11 say, number of products itself, would the percentage
 12 of the number of products that you produced be
 13 different than perhaps the percentage of sales, you
 14 know, like if you produce a hundred products and sold
 15 them each for a dollar and three had the plating,
 16 then that's three percent?

17 A. I would say for quite sure that the
 18 percentage of sales was higher than it would have
 19 been for the percentage of products because these
 20 were the more extensive items. People that wanted
 21 that chrome plate knew they would have to pay more so
 22 that was a higher percentage of sales.

23 Q. Let's go back to the mechanical drilling
 24 for a second that you were talking about --

25 A. Okay.

Page 17

1 Q. -- using lubricant.

2 A. Right.

3 Q. Do you recall what types of lubricants
 4 you were using?

5 A. Oil. A basic oil. I forget the grade
 6 of oil but everyone uses the same, the same oil for
 7 lubricating products and we used that oil. Brass is
 8 a rather easy metal to cut compared to, let's say,
 9 steel, which is much harder to cut, so there would be
 10 a minimum amount of this lubricant compared to places
 11 that drilled iron and steel and all these other
 12 things.

13 Q. And do you recall where the oil would be
 14 stored, let's say right before you were going to use
 15 it?

16 A. Probably -- well, this kind of oil -- do
 17 I remember exactly, no. Probably in a container on a
 18 shelf that we would then set up on the machine to
 19 have the oil flow in and then catch it and, of
 20 course, reuse it again. It's that type of an
 21 operation. Probably in quart containers of some
 22 kind, plastic or...

23 Q. And do you recall just for time frame
 24 purposes when you started working, your first couple
 25 of years, do you recall what you did with the oil,

5 (Pages 14 to 17)

Page 18

1 the waste oil, let's say, when you were done using
2 it?
3 A. No. I don't even remember seeing waste
4 oil, the machining oil because it was used over and
5 over and over again there would be no reason not to,
6 it doesn't get decomposed.
7 Q. Let's just go back to the time frame
8 again of basically right when you started. You said
9 that you were working as an assistant for Mel
10 Silverman helping him with projects, et cetera, do
11 you recall, let's say, was there like a secretary
12 when you walked in the door kind of thing?
13 A. I'm sure there was.
14 Q. Do you remember who that was?
15 A. No, I do not. That's a long time ago.
16 Q. Could you -- I'm just trying to think if
17 it would be helpful, do you recall well enough the
18 layout of the facility that you could perhaps just
19 draw it for me?
20 A. When I first came there?
21 Q. Yes.
22 MR. CHAWAGA: Let me just -- go off
23 the record.
24 (Off-the-record discussion.)
25 THE WITNESS: It was changed over the

Page 19

1 years.
2 MR. CHAWAGA: We have brought with us
3 a schematic of the floor of the facility. What's the
4 date of the --
5 MR. STEFANOWICZ: Back when -- back in
6 his time.
7 MR. CHAWAGA: That was produced when
8 we met with a mediation with Judge Kahn. I don't
9 think you were there, Marc. Glenn was there. It's
10 something that the Boarhead Farm folks have seen
11 before. It's available if you want to make use of
12 it.
13 MR. DAVIES: Thank you.
14 THE WITNESS: All I could say to you is
15 that we moved desks so many times as someone got some
16 help and someone didn't that I really don't remember
17 the layout of desks when I started working there, no
18 way.
19 BY MR. DAVIES:
20 Q. Okay. Well, I wasn't thinking so much
21 about the desks as much as the sort of the production
22 equipment and what was, you know, what was where,
23 where did you do the production and that kind of
24 thing?
25 A. You mean where is the foundry compared

Page 20

1 to where is the -- well, I could do that to a degree.
2 Q. Okay. Well, since we have that, you
3 want to just take a look at this drawing here?
4 A. Sure.
5 Q. It looks like there's a bunch of areas
6 that are already marked A, B, C, D, et cetera.
7 MR. DAVIES: Thanks, Steve.
8 THE WITNESS: Where's the entrance?
9 This is the entrance here.
10 MR. STEFANOWICZ: You want me to help
11 you with that?
12 THE WITNESS: Would you, Rich, I would
13 appreciate that. Would you orient me first towards
14 the entrance?
15 MR. STEFANOWICZ: Here's the offices.
16 This is the, you know, this was the plating
17 operation. Foundry is back here.
18 THE WITNESS: Okay. And, of course,
19 the foundry is here. Production.
20 BY MR. DAVIES:
21 Q. Hold on. Let me just slow you down for
22 a second so that she'll be able to take it down.
23 A. I'm sorry.
24 Q. No, no, it's really for me so I can
25 remember it later.

Page 21

1 So you're walking into an area that
2 seems to be marked B and that's the office area?
3 MR. STEFANOWICZ: No, no. Don't
4 reference these letters. Nobody knows what they are.
5 I mean I don't know what they are. You may know.
6 THE WITNESS: I have no clue.
7 MR. STEFANOWICZ: Nobody knows what the
8 letters are.
9 BY MR. DAVIES:
10 Q. I'll just use them for convenience so we
11 can know --
12 MR. STEFANOWICZ: Well, they don't mark
13 any areas. This is not an identifiable area in the
14 plant, we don't know what they are. You have to go
15 based --
16 MR. MIANO: Why don't you establish
17 whether he's seen this map and whether he's familiar
18 before we go there.
19 MR. DAVIES: I'm trying.
20 MR. STEFANOWICZ: Just to help Len out.
21 THE WITNESS: Nor have I seen this map,
22 nor I do know what these letters are. But I can tell
23 from this where things are.
24 BY MR. DAVIES:
25 Q. Well, what I'd like to do then, if you

6 (Pages 18 to 21)

Page 22

1 don't mind, just taking a look at it for a minute so
 2 you orient yourself just to have you sort of draw for
 3 me --
 4 A. Sure.
 5 Q. -- how it looked to your recollection.
 6 A. I can do that.
 7 Q. So just take a minute and look at it.
 8 A. So we're coming in here, this is office
 9 right here. Now, we have in here the production
 10 area. That's that machining area that I told you
 11 about.
 12 Q. Okay.
 13 A. And some assembly was done in this area
 14 too. Exactly where, I don't know. But somewhere in
 15 that area. Okay. Now, here's the foundry. That I
 16 know for sure. That's in the back over there.
 17 That's where we did that casting of the brass. This
 18 is where we had the plating room, one of these two
 19 areas in here, I don't remember exactly where, but I
 20 know it was on that side of the building.
 21 Q. Can you tell me which side that is,
 22 east, west? Is there something there that says that?
 23 A. Can I ask Rich for help on this one?
 24 Q. That's fine with me.
 25 THE WITNESS: Rich, can you tell what

Page 23

1 direction is which?
 2 MR. STEFANOWICZ: Well, this is Valley
 3 Road out here so north is that way.
 4 THE WITNESS: So that's north. That's
 5 south.
 6 MR. STEFANOWICZ: You referenced the
 7 plating operation, this is the plating operation,
 8 you --
 9 MR. CHAWAGA: You'll have your chance
 10 later.
 11 THE WITNESS: Southwest. That's
 12 southwest.
 13 BY MR. DAVIES:
 14 Q. Okay.
 15 A. That's basically it.
 16 Q. And do you recall -- well, I think --
 17 actually let's just take that away, it would be
 18 helpful for me if you could just draw it as best you
 19 can and then we can sort of label the different
 20 places so that the court reporter can sort of take it
 21 down.
 22 A. Okay, it wouldn't be as good as that.
 23 (Objection) MR. CHAWAGA: I was going to say I'm
 24 just going to impose an objection to having the
 25 witness hand draw a representation of a map where we

Page 24

1 have the actual map, but it's not my deposition.
 2 BY MR. DAVIES:
 3 Q. You can go ahead and do it, if you could
 4 just start with where you walk in.
 5 MR. MIANO: That's fine.
 6 THE WITNESS: This is the front of the
 7 building. This is where you walk in. Now, this is
 8 the side. And the building was this way, side here,
 9 foundry. Okay. That's the building. This is the
 10 office area here.
 11 BY MR. DAVIES:
 12 Q. Do you want to just put a little "O"
 13 there for the office?
 14 A. I'll put "office".
 15 Q. I'm sorry, was your office within that
 16 office area?
 17 A. Yes.
 18 Q. And --
 19 A. My office was first here and then there
 20 and there --
 21 Q. Okay.
 22 A. -- et cetera. So this is the foundry.
 23 Q. And that's marked with a "foundry"?
 24 A. "Foundry."
 25 Now, this is the machine area.

Page 25

1 Q. And you wrote "machine".
 2 About how many people do you recall
 3 when you, let's say, started working worked in the
 4 machine area? Even just a roughest estimate.
 5 A. Roughest, guess, 30. Oh, just in the
 6 machine area?
 7 Q. Yes.
 8 A. I have no idea.
 9 Q. And 30, is that the number of people
 10 that worked there about when you started?
 11 A. Oh, yeah.
 12 Q. Did that number change much over the
 13 period that you partly owned the company?
 14 A. Yeah. Oh, yeah. Yeah. It grew
 15 considerably. There may have been more than 30 to
 16 start, maybe even 40. Because we got -- we added
 17 more people but we also got more efficient. So sales
 18 went up very significantly, you know, maybe three or
 19 four times, but we didn't add that many people.
 20 Okay, so that's machine. Now, plating was down here.
 21 I remember that mostly because we've been talking
 22 about it.
 23 Q. And you wrote a "PL" there?
 24 A. Right. Now, this was the area where the
 25 shipping was done.

7 (Pages 22 to 25)

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1 Q. You wrote "ship" there?
 2 A. "Ship". And --
 3 Q. Was there a loading dock or a loading
 4 area?
 5 A. Yes. Here because that's where we
 6 shipped out.
 7 Q. And did you have -- well, how many
 8 people were working in shipping, if you recall?
 9 A. I don't. I don't recall the various
 10 department numbers, I'm sorry.
 11 Q. Do you remember any of the people that
 12 worked in shipping?
 13 A. I could see some faces, I do not
 14 remember names at that point.
 15 Q. What about the plating, what machines
 16 were used for plating?
 17 A. Well, we didn't have machines, just a
 18 couple of tanks. We had two tanks.
 19 Q. And what did -- just describe the
 20 process.
 21 A. Well, what they would do would be to
 22 load a rack with the material to be plated and they'd
 23 put it in the first tank and get done, you know,
 24 whatever it did and then they would take it and put
 25 it in the second tank and then they would let it dry

Page 27

1 and that would be it. At that point it would have
 2 the plate on it.
 3 Q. And what was the purpose for having two
 4 tanks?
 5 A. Because you had to do one operation at a
 6 time. I believe the first one was a nickel operation
 7 and the second one was the chrome.
 8 Q. Do you recall what the materials, you
 9 had said the nickel and then a chrome --
 10 A. Yeah.
 11 Q. -- do you know sort of where you
 12 purchased the materials?
 13 A. No. Sorry. I do not remember.
 14 Q. How about what you would do with the
 15 nickel or chrome after it was used, did you try to
 16 reuse it like with the oils?
 17 A. There was a very, very slow usage of
 18 that and I can't even remember having to replace it
 19 frankly over the years. But as we've said in the
 20 past, there was some disposal of it to a very small
 21 degree. Because they were very small tanks.
 22 Q. Now, do you recall who handled the
 23 disposal when you started, let's say?
 24 A. No way.
 25 Q. And do you remember who did the plating

Page 28

1 work when you arrived?
 2 A. The individuals?
 3 Q. Yes.
 4 A. No.
 5 Q. Is there anyone that worked in the
 6 facility that you recall the name of?
 7 A. No. Absolutely not. Not at that point,
 8 no.
 9 Q. At any time while you were part owner of
 10 the facility, do you remember any of the people that
 11 worked there?
 12 A. No. Part owner?
 13 Q. Well, I'm assuming that you never were
 14 the -- I'm just using that term when you bought the
 15 company, you bought it with Len Sayles so --
 16 A. Right.
 17 Q. -- when you two were there.
 18 A. Of course, in the much later years,
 19 before we sold the company, I can remember some of
 20 the first names of some of the guys for example.
 21 James, James was a production guy. Frederick was
 22 another production guy. A guy in the foundry, I used
 23 to know him because I would bum a cigarette from him.
 24 That I remember bumming the cigarette, trying to stop
 25 smoking and sneaking into there to bum a cigarette.

Page 29

1 Q. I didn't want to get you in trouble with
 2 anyone.
 3 MR. MIANO: Give his wife this
 4 deposition.
 5 THE WITNESS: It would take time for me
 6 to...
 7 BY MR. DAVIES:
 8 Q. Now, were any of these gentlemen, do you
 9 know if they continued to work for the company after
 10 you sold it?
 11 A. I don't know. I don't know.
 12 Q. Was there anyone else who you remember,
 13 besides those two or three?
 14 A. No.
 15 Q. Do you recall ever hearing about or
 16 being involved with a, I guess a process or a liquid
 17 called pickle liquor?
 18 A. Pickle liquor?
 19 Q. Yes.
 20 A. No. I won't be a smart you know what
 21 and talk about pickles, no.
 22 Q. How about a solvent, do you recall
 23 whether you used any solvents in the operation to
 24 clean any of the metals or for any purpose?
 25 A. Yes. We did use solvents. I can't

8 (Pages 26 to 29)

Page 30

1 remember exactly the names of them but we did use the
2 solvents in a vapor degreaser before we polished
3 them. Actually, this was machine and polish and
4 assemble to be more exact.

5 Q. So where would the vapor degreaser be in
6 that room?

7 A. That was off to the side in the
8 polishing operation somewhere over here I would say.

9 Q. So you just put a little "O" there, want
10 to put maybe "vapor"?

11 A. "V".

12 Q. Or "V" is fine.

13 A. "V".

14 Q. Now, do you recall whether there were
15 any large tanks or storage vessels in the facility?

16 A. No. Oh, there was a tank that was used
17 to chemically treat and then dispose of certain
18 wastes.

19 Q. Okay. Do you remember what wastes went
20 into that tank?

21 A. No, I don't.

22 Q. Do you recall where it would be in the
23 facility?

24 A. It was in this area over here. Why
25 don't I just "CD", chemical disposal.

Page 31

1 Q. Whatever you like, that's fine.

2 A. Okay.

3 Q. Now, what am I missing, what other large
4 apparatus did you have in the facility there that
5 should go on the map?

6 A. The machines were rather small at that
7 time, we really didn't have any large machines.

8 Q. Now, sort of going through time a little
9 bit, is there anything that you added between the
10 time you bought the company and the time you sold it
11 that would be significant?

12 (Objection) MR. CHAWAGA: Object to the form of
13 that question.

14 MR. DAVIES: I was thinking that
15 myself.

16 BY MR. DAVIES:

17 Q. Just significant in terms of size, was
18 there any large tank or production equipment that you
19 added?

20 A. That we added?

21 Q. Yes.

22 A. Not that I can recall.

23 Q. Now, let's just talk for a couple
24 minutes about the sale then. Do you remember how
25 long you were negotiating over the sale of the

Page 32

1 company?

2 MR. CHAWAGA: I'm sorry, before you
3 answer it, just so that the record is clear, now
4 you're talking about the sale by Len and Len to
5 Mr. Stefanowicz' group?

6 MR. DAVIES: Yes.

7 MR. CHAWAGA: Sorry. Go ahead.

8 THE WITNESS: How long we discussed it?
9 BY MR. DAVIES:

10 Q. Yeah, I'm just trying to get an idea
11 whether it took months and months or whether it was a
12 very quick process?

13 A. Well, I think it took months. It didn't
14 take months and months and it didn't take weeks, it
15 took some months.

16 Q. Did any environmental issues come up
17 during the course of the negotiations?

18 A. No.

19 Q. Was there any testing done of the soil
20 or groundwater?

21 A. At that point?

22 Q. Yes.

23 A. Not that I can recall.

24 Q. Was there any testing done?

25 A. I want to make sure I understand your

Page 33

1 question.

2 Q. Sure.

3 A. You're asking if any testing was done
4 during the negotiations?

5 Q. Yes.

6 A. Not that I can recall.

7 Q. Now, prior to the negotiations --

8 A. Yes.

9 Q. -- was there any testing done?

10 A. Yes.

11 Q. And what kind of testing?

12 A. Well, there was testing done for TCE.

13 Do you want the whole -- well, tell me what you'd
14 like to know.

15 Q. Yeah, I just want to know about why the
16 test was done, what the results were?

17 A. Okay. TCE was found in the ground. And
18 the township told us that we had to clean it.

19 Q. Okay.

20 A. And we did. That went over a period of
21 many months, many, many months.

22 Q. Can you recall the year let's say?

23 A. Not exactly, but around '80. '80, '81,
24 something like that.

25 Q. Okay.

9 (Pages 30 to 33)

Page 34

1 A. I think.
 2 Q. Now, what kind of cleanup, was it just
 3 soil, you tell me?
 4 A. What we had to do was to get rid of a
 5 couple of outside ceramic tanks. We had to get rid
 6 of one outside ceramic tank and we had to clean the
 7 soil.
 8 Q. Okay. Could you show on the map about
 9 where that was?
 10 A. It was in the back somewhere but I can't
 11 remember exactly where it was. And we had to get --
 12 dispose of that tank. And we had to clean the ground
 13 around it for the TCE, which we ultimately did and
 14 the township to make sure that everything was clean
 15 did something to their -- they had a well back here.
 16 Q. Okay, want to just put down "well" for
 17 the basic area?
 18 A. Somewhere in here.
 19 Q. Even if it's not perfect.
 20 A. Okay. And they did their thing and we
 21 did our thing and we received approval from all the
 22 powers that be, the state and this and that. So,
 23 yes, there was that testing that was done at that
 24 point. And now I must tell you that more TCE was
 25 found here in the ground than we could have ever

Page 35

1 generated so we said this can't possibly be Merit.
 2 But we did the cleanup anyway.
 3 Q. Now, was the TCE just in the soil or was
 4 it also in the groundwater underneath?
 5 A. Both.
 6 Q. Okay.
 7 A. And that's why the testing was done and
 8 that's why the cleanup was done.
 9 Q. Now, was it your tank that was removed?
 10 A. Yes.
 11 Q. A porcelain tank?
 12 A. Yes. It was ceramic.
 13 Q. You just want to just write "tank" in
 14 sort of the general area where you think it was?
 15 A. "Tank".
 16 Q. Now, was that tank there when you
 17 purchased the company?
 18 A. Yes. Had to have been because it wasn't
 19 installed while we were there.
 20 Q. Just asking.
 21 A. Yeah.
 22 Q. What was kept in the tank?
 23 A. In the facility we had a device that
 24 tumbled the brass, would take off the burs and the
 25 sharp edges, the stone had rock from that device was

Page 36

1 put in that tank in the back.
 2 Q. So do you have any idea how TCE would
 3 end up there?
 4 A. I've been asked that question before.
 5 Q. I figured.
 6 A. And my answer is the same, I have no
 7 clue. Yet we did the cleanup.
 8 Q. Do you recall whether there were any
 9 other contaminants, chemicals?
 10 A. That was -- no. TCE was definitely the
 11 situation. There were no other chemicals found.
 12 Q. Do you still have --
 13 MR. CHAWAGA: Excuse me, I can't hear.
 14 THE WITNESS: Sorry, TCE was the only
 15 problem we had. There were no problems with any
 16 other chemicals.
 17 MR. CHAWAGA: Thanks.
 18 BY MR. DAVIES:
 19 Q. Do you still have any of those results
 20 of the testing from back in --
 21 A. I do not.
 22 Q. Do you know what you did with them after
 23 you got them?
 24 A. I mean after some period of time we
 25 probably threw them out. You know, we've had

Page 37

1 situations in our house with the basement and -- I
 2 don't have any of that, probably got rid of it, it's
 3 over 20 years ago or 20 years ago and I don't have it
 4 anymore, but I don't remember exactly how we disposed
 5 of it.
 6 Q. So did the issue of the TCE come up at
 7 all during the negotiations for the sale of the
 8 company?
 9 A. Not that I can recall.
 10 Q. But you did decide to, I think you kept
 11 the -- you kept -- did you keep the land when you
 12 sold the company?
 13 A. Yes.
 14 Q. And you owned -- do you own it still?
 15 A. Yes.
 16 Q. Now, are there any other tanks,
 17 above-ground tanks around the facility or were there,
 18 I'm sorry, at the time that you owned it?
 19 A. Not to my recollection, no.
 20 Q. What about underground tanks, did you
 21 have any?
 22 A. Not to my recollection. Let me add one
 23 thing.
 24 Q. Sure.
 25 A. This vapor degreaser started by using

10 (Pages 34 to 37)

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1 TCE, we got rid of it after a while. It didn't use
2 up the TCE. It was a vapor degreaser. That means a
3 little bit of TCE was sprayed in and it would
4 evaporate. So there was no residual. And that is
5 why to me it is so inconceivable that any of that
6 could be found in our back, but it was and I don't
7 think other companies around were searched,
8 discussed. After a number of years, if I recall by
9 the time, by this time we were all approved and
10 everything, other entities were found with TCE. But
11 it was beyond the point that we were involved.

12 MS. FLAX: I don't mean to interrupt,
13 but could the witness please speak up?

14 THE WITNESS: Sorry. I'm sorry. Yes,
15 ma'am.

16 MS. FLAX: Thank you.

17 BY MR. DAVIES:

18 Q. I would say we could take a break but
19 I'm pretty close to being finished.

20 A. Can I get a little water?

21 Q. Yes.

22 MR. DAVIES: Let's just take a minute.
23 (Brief recess.)

24 BY MR. DAVIES:

25 Q. Could you just describe for me a little

Page 39

1 bit what the purpose is of using the TCE in the vapor
2 degreaser, what it does?

3 A. When you machine and polish the product,
4 grease can get on it, polishing wheels are the
5 compound, they say degrease but really it's a
6 decompound. And the vapor would take off the
7 compound so that it could be, and I forget the word
8 you used, the final polish and make it very shiny.
9 That's what that did.

10 Q. And where would you put the compound
11 that was degreased when you were done?

12 A. The compound?

13 Q. Well, I mean --

14 A. You mean what would come off the --

15 Q. Correct.

16 A. I think it evaporated, it was sort of a
17 wax-type compound.

18 Q. Okay.

19 A. Yeah, that's what I think happened.

20 Q. What did you use after you stopped using
21 the TCE, what replaced the TCE?

22 A. A -- we used a different chemical that
23 had been invented for this purpose which was totally
24 nontoxic and did the same thing.

25 Q. Do you recall the name?

Page 40

1 A. No. Sorry. But it's probably some long
2 chemical name.

3 Q. Do you recall, I guess right around the
4 time you purchased the company, the U.S. government
5 had sort of came out with this law RCRA, R-C-R-A, do
6 you recall having to do anything to comply with RCRA
7 requirements?

8 A. I'm not very good at these letters and
9 legal. I know that we filed with the government
10 after everything that had been done and we got the
11 complete approval that everything was clean. Steve
12 knows that whole procedure.

13 Q. And so did you keep those records?

14 A. I don't have them. My guess is Steve
15 has them.

16 THE WITNESS: I probably shouldn't
17 speak for you.

18 MR. MIANO: There are records relating,
19 they did an Act II cleanup under Pennsylvania law and
20 received a final approval of that cleanup.

21 MR. DAVIES: Is that the same cleanup,
22 the 1980, '81 cleanup?

23 MR. MIANO: No, it's a different
24 cleanup.

25 MR. DAVIES: Okay. Maybe we could talk

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1 about getting that separately.

2 MR. MIANO: It's a final Act II report.

3 MR. DAVIES: Okay. That's all I have.

4 THE WITNESS: Oh, okay.

5 MR. DAVIES: Thank you very much.

6 MR. MIANO: If we could take just a
7 minute.

8 MR. DAVIES: Sure.

9 (Brief recess.)

10 MR. DAVIES: We were just off the
11 record and we discussed for a moment that during the
12 preparation for this deposition some records were
13 found by Mr. Miano and I had asked him to provide us
14 or he actually offered to provide them, so thank you
15 very much.

16 Anyone else have anything?

17 MS. FLAX: I have no questions.

18 MR. CHAWAGA: I have some questions.

19 (EXAMINATION OF MR. WOLBERG BY MR. CHAWAGA:)

20 Q. It's my turn.

21 Mr. Wolberg, let me ask you a little
22 bit about the nature of your acquisition of
23 Mr. Silverman's company.

24 A. Yes.

25 Q. Now, when you started to take a position

11 (Pages 38 to 41)

Page 42

1 in the company as you were saying, what was the form
2 of that, were you given or did you acquire stock in
3 the company or was it some other arrangement, if you
4 recall?

5 A. I don't recall. When I started I don't
6 think we had stock in the company.

7 Q. Do you know how your interest in the
8 company was recorded when --

9 A. I don't recall.

10 Q. Do you know whether prior to your
11 obtaining an interest in the company, did Mr. -- was
12 Mr. Silverman the sole owner of the company?

13 A. Don't know.

14 Q. Okay. At any time during your
15 negotiations with him that ultimately led to you and
16 Mr. Sayles purchasing the company, did you come to
17 understand whether Mr. Silverman was the sole prior
18 owner or not?

19 A. My recollection is as we went along in
20 the years we dealt with other owners of the company,
21 not just Mel Silverman.

22 Q. So there may have been more than one
23 owner prior to you and Mr. Sayles?

24 A. Yeah, he was the only one who was there
25 in the business, but there may have been.

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1 Q. Did you have an understanding one way or
2 another about whether Mr. Silverman had a majority
3 ownership in the company during the time period you
4 were negotiating with him?

5 A. My guess is he had a vast majority
6 ownership in the company.

7 Q. And when you acquired Mr. Silverman's
8 company, do you recall whether it was by means of a
9 purchase of his assets or a stock transaction or do
10 you remember the form of the acquisition?

11 A. I do not, I really do not.

12 Q. And the documents related to that
13 transaction, you don't know where they are at this
14 point?

15 A. I don't have them. I know that.

16 Q. You talked about the plating operation
17 as a percentage of sales during the time that you
18 owned the company.

19 A. Um-hum.

20 Q. Speaking generally, do you recall
21 approximately what volume of sales the company had
22 during the time you owned it?

23 A. Well, again because we have looked at
24 this situation over the last couple of months, I'm
25 pretty sure that the sales were probably a little bit

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1 under a million at that point.

2 Q. Per year?

3 A. Can you hear me? Per year, yeah. A
4 little under a million, I think.

5 Q. And do you recall that being fairly
6 constant over the time period that you owned the
7 company or were there changes in that number that you
8 can recall now?

9 A. Over the years that we owned the
10 company? It grew considerably.

11 Q. And so by the time you sold the company,
12 what was the sales volume that you recall?

13 A. I'm -- I don't recall very well but I'm
14 sort of going to give an educated guess of around
15 three million.

16 Q. And did the plating operation, as a
17 percentage of sales, did that remain about constant
18 during the time period you owned the company or did
19 that change?

20 A. I couldn't answer that question. I --
21 thinking about it there would be no reason for there
22 to be major changes. But I can't answer that
23 question directly, I don't know.

24 Q. There's a suggestion in this case from
25 the plaintiffs that Mr. Silverman acquired a tanker

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1 or a tank truck of approximately 4,000 gallons in
2 volume that he installed or that was installed for
3 him somewhere on the exterior of the Merit Metal
4 site.

5 Do you have any recollection of such a,
6 seeing such a tanker or evidence of such a tanker?

7 A. I have no recollection of it. And I
8 said that before.

9 Q. Do you have any understanding as to what
10 process or how it could have been that Mr. Silverman
11 when he owned the company could have generated
12 sufficient waste in, let's say, a year's time to fill
13 a 4,000 gallon tanker?

14 A. We've discussed this with some of these
15 same people and to me it's impossible. That's my
16 opinion.

17 Q. But what is your opinion based on?

18 A. The amount of plating that we did.

19 Q. Well, how about other wastes, are you
20 aware of any other waste stream that could have
21 filled a tanker of that size --

22 A. No.

23 Q. -- in the years --

24 A. No.

25 MR. DAVIES: Can I interpose, are you

12 (Pages 42 to 45)

Page 46

1 talking about the time that he was there or the time
2 before he was there?
3 MR. CHAWAGA: I'm asking for Mr.
4 Wolberg's personal knowledge as to whether there was
5 any waste streams sufficient to fill such a tanker in
6 a year's time based on either what he saw or what he
7 learned during his period of being at the site?
8 THE WITNESS: Well, yeah, based upon
9 what I saw, if anything, the operation was smaller
10 before I got there and there's no way that this could
11 have happened at the time I was there, in my opinion.
12 BY MR. CHAWAGA:
13 Q. Now, you talked about this vapor
14 degreaser.
15 A. Yes.
16 Q. Do you have a recollection as to what
17 the approximate size of that degreaser was?
18 A. (Indicating). That's how big it was.
19 Q. All right. If I said about two feet by
20 two feet, would that be consistent with your
21 recollection?
22 A. 18 inches by two-and-a-half -- yeah,
23 about two feet, yeah.
24 Q. And that size, that size didn't change
25 during the period of time --

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1 A. No.
2 Q. -- you were familiar with that?
3 A. No.
4 Q. The tanks that held the plating
5 materials that you talked about were the two tanks,
6 what were the approximate size of those tanks, to
7 your recollection?
8 A. About two-by-four.
9 Q. Is that for each tank or for the two of
10 them together?
11 A. Each.
12 Q. And did that size change during the
13 period of time that you were --
14 A. No.
15 Q. -- familiar with those tanks?
16 A. No.
17 Q. You also mentioned the tank, I think you
18 put it on the little diagram there that was used to
19 chemically treat and dispose of certain wastes.
20 A. Um-hum.
21 Q. What was the size of that tank, if you
22 recall?
23 A. Diameter about that size (indicating).
24 Q. So it was a circular tank, is that your
25 recollection?

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1 A. Circular tank.
2 Q. And diameter of three or four feet,
3 would that be fair to say?
4 A. Yes.
5 Q. And did that, size of that tank change
6 during the time?
7 A. No.
8 Q. Now, was that tank something that was in
9 place at the time you started to work for Mr.
10 Silverman or was that something that was installed at
11 a later time?
12 A. It was installed at a later time.
13 Q. Was it installed after you -- after Mr.
14 Silverman -- after you took over the company from Mr.
15 Silverman?
16 A. No, I believe that he installed that
17 tank.
18 Q. But it was after -- I'm sorry, go ahead.
19 A. Well, I was just going to say that he
20 installed it when the township said that he had to
21 stop putting whatever waste he came up with into the
22 sewer system and therefore had to treat it, which he
23 did with that tank and then it would be tested, by
24 that point it would be pure water and he would get
25 the approval to put that into the sewer system.

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1 Q. You anticipated my next question, which
2 was, at the time you first started to work for Mr.
3 Silverman, tell me what your recollection is of how
4 he treated his various items of waste, to the extent
5 you can recall, or various streams of waste we've
6 been calling them.
7 A. Treated them?
8 Q. Let me --
9 A. Yeah.
10 Q. -- back up. Bad question.
11 To the extent you recall, how did Mr.
12 Silverman dispose of waste at the time you first
13 started to work for him?
14 A. He would let the waste go into the sewer
15 system.
16 Q. As you've just described?
17 A. Yes.
18 Q. And then eventually he came to treat
19 that same waste --
20 A. Right.
21 Q. -- in the tank and then --
22 A. Right.
23 Q. -- the residue went into the sewer
24 system?
25 A. Exactly.

13 (Pages 46 to 49)

Page 50

1 Q. Did that leave some material in the tank
2 that had to be disposed of by some other means?
3 A. Not that I can recall.
4 Q. Apart from that method of waste disposal
5 you've just described, were there any other waste
6 products that you can recall that Mr. Silverman
7 stored in some sort of drum or tank or something for
8 later disposal?
9 A. Not that I can recall.
10 Q. Do you recall Mr. Silverman engaging
11 anyone to transport any wastes off of the site?
12 A. No.
13 Q. Have you -- I can't really ask this
14 question in the abstract because -- but prior to
15 becoming familiar with this litigation that we're
16 sitting in now, involved in -- well, let me just ask,
17 I'll just ask it, at the time you were working for
18 Mr. Silverman, did you ever come to hear of a company
19 or a facility known as Boarhead Farm?
20 A. I did not.
21 Q. During the time you worked for Mr.
22 Silverman, did you ever come to hear of a company
23 called -- or come to hear of a gentleman named
24 Manfred DeRewal?
25 A. At that time?

Page 51

1 Q. Yes.
2 A. No.
3 Q. Or any other person with the surname
4 DeRewal?
5 A. No. Only much later when we started
6 discussing this.
7 Q. During the time period you owned the
8 company, did you ever hear of a facility known as
9 Boarhead Farm?
10 A. No.
11 Q. Did you ever hear of a gentleman named
12 Manfred DeRewal or anyone else named DeRewal?
13 A. No, not while we owned the company.
14 Q. Other than in connection with this
15 litigation, have you ever heard of either Boarhead
16 Farm --
17 A. No.
18 Q. -- or Manfred DeRewal?
19 A. No.
20 Q. We looked at the schematics here which
21 we didn't mark, and we'll decide whether we will mark
22 this or not, just I'll call your attention to the
23 lower right corner of this schematic drawing that
24 Mr. Stefanowicz had supplied and you'll see
25 referenced it says floor plan on it and references a

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1 date of 1966. Do you see that?
2 A. Yes.
3 Q. Now, of course, 1966 was well prior to
4 any involvement you had with this facility, is that
5 fair to say?
6 A. Yes.
7 Q. Now that you've had a chance to orient
8 yourself about this facility, about what this
9 schematic shows right here --
10 A. Right.
11 Q. -- can you tell me, ignoring the
12 handwritten letters which appear to be added at some
13 other time, can you tell me whether this floor plan
14 is an accurate portrayal of the floor plan of the
15 facility at the time you were working for Mr.
16 Silverman?
17 A. Wow. In my recollection, yes. You're
18 talking well over 20 years ago. But in my
19 recollection, this is approximately correct.
20 Q. Okay. And do you recall during the time
21 that you were one of the owners of the company, do
22 you recall making any changes to the floor plan, to
23 the walls or the dimensions of anything you see here?
24 A. No.
25 Q. After you and Mr. Sayles acquired the

Page 53

1 company from Mr. Silverman, did Mr. Silverman retain
2 any ownership interest in the company?
3 A. Oh, yes.
4 Q. Can you describe how that was relative
5 to your ownership interest?
6 A. It was he kept the majority for years.
7 Q. All right. Let me -- let's back up
8 here.
9 When you started to acquire an interest
10 in about 1978, Mr. Silverman was still the majority
11 owner, to your understanding; is that right?
12 A. Yes.
13 Q. I meant at some point thereafter you and
14 Mr. Sayles became the majority owners; is that right?
15 A. Um-hum. Yes.
16 Q. When you became the majority owners, did
17 Mr. Silverman retain a minority interest in the
18 company at all or was he out completely, that's
19 really what I'm getting at, if you can recall?
20 A. I do not remember the answer to that
21 question.
22 Q. Did Mr. Silverman after that point that
23 you and Mr. Sayles acquired the company, did Mr.
24 Silverman stay on and do any work for the company by
25 way of consulting or as an employee or anything of

14 (Pages 50 to 53)

Page 54

1 that sort?

2 A. Sales representative.

3 Q. In that capacity was -- was he calling

4 on customers that he had previously called on when he

5 was the owner, to your knowledge?

6 A. I don't remember which customers he

7 called on.

8 Q. I guess let me ask it this way, see if

9 you know. Was his job during that point to try to

10 drum up new business for you or to remain in touch

11 with customers that the company had previously had or

12 a little of both?

13 A. I don't remember to what degree.

14 Q. All right. Was he on a -- do you recall

15 how he was compensated for being a sales

16 representative during that period?

17 A. By the amount of business he generated.

18 Q. On a commission basis, in other words?

19 A. I forget what the term is. He was

20 definitely not associated with the company or

21 employed. He was a separate operation and he was

22 paid, I don't know what the proper word is to say how

23 he was paid, but he was paid by the amount of

24 business that he did with the customer, yeah,

25 percentage.

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1 Q. And so was -- he was not paid a salary

2 by the company --

3 A. No.

4 Q. -- is that fair to say? Okay.

5 A. And that was for some period of time.

6 And I can't remember how many months or what have you

7 that was for.

8 Q. Mr. Silverman is now deceased; is that

9 correct?

10 A. Correct.

11 Q. And do you recall when he died?

12 A. All I can tell you is it's been years.

13 And I don't remember how many.

14 Q. Let me ask you this, do you recall

15 whether he died -- whether you were still an owner of

16 the company at the time he passed away or was it

17 after that?

18 A. I can't remember the timing.

19 Q. Now, without going over it again, you

20 talked some as to the amount of plating business that

21 the company did and its percent relative to sales

22 when you were one of the owners. Do you recall

23 whether that percentage was the same or different

24 from what it was during the years you worked for Mr.

25 Silverman but before you became an owner?

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1 A. Could you repeat that question?

2 Q. Yeah, let me try to simplify it.

3 Do you recall the size or the nature of

4 the plating operation changing from the time that you

5 first worked for, you know, first worked for Mr.

6 Silverman to the time period when you were an owner?

7 A. Got you. I do not remember. Let me put

8 it this way, I'm pretty sure it did not change

9 because there were no active changes made in the

10 business. So I would say it did not change.

11 Q. You discussed with Mr. Davies a little

12 earlier the markets for the Merit Metal products,

13 including marine and decoratives and governmental

14 stuff, did your -- did the markets for those products

15 change between the time you were working for Mr.

16 Silverman and the time that you owned the company?

17 A. Not that I'm aware of, no. About the

18 same.

19 Q. Did you -- my question is, did you

20 target, say, the decorative market more or the marine

21 market more or anything of that nature that you

22 recall?

23 A. Into maybe seven or eight years that we

24 were there we targeted a new marketing program in the

25 decorative business. But at the time period you're

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1 talking about, no.

2 Q. Were those among the markets, were

3 those -- sorry, strike that.

4 Were those the markets that Mr.

5 Silverman had targeted?

6 A. Yes.

7 Q. And those continue to be the markets

8 that --

9 A. Yes.

10 Q. -- you targeted?

11 A. Yes. Jumping around with the questions.

12 Q. You talked with Mr. Davies a little bit

13 about TCE on the site, do you recall that being a

14 problem -- strike that.

15 Do you recall that being something Mr.

16 Silverman had to deal with before you became the

17 owners?

18 A. Not that I'm aware of but I'm not a

19 hundred percent sure of everything he had to deal

20 with. But it wasn't even mentioned.

21 Q. Right. Okay, that's all I wanted to

22 know.

23 A. Yeah.

24 Q. In your experience it was not something

25 that come up before it came up under your watch, so

15 (Pages 54 to 57)

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1 to speak?
 2 A. Right.
 3 MR. CHAWAGA: Excuse me one second.
 4 Anything else?
 5 MR. STEFANOWICZ: Excuse me, how many
 6 employees worked in the large plating operation that
 7 he had?
 8 BY MR. CHAWAGA:
 9 Q. Back on the record here or maybe we're
 10 already on the record.
 11 A. Sure.
 12 Q. Mr. Wolberg, how many employees were
 13 working in the plating operation?
 14 A. One-half.
 15 Q. Were working in the plating?
 16 A. That's my best estimate. One-half
 17 person.
 18 Q. One person half time --
 19 A. Correct.
 20 Q. -- in other words?
 21 And is that during the period that you
 22 were an owner?
 23 A. Well, now I thought we were talking
 24 about the early years.
 25 Q. We were.

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1 A. Yes, yes.
 2 Q. That was a different question.
 3 Did that stay the same during the --
 4 A. Yes.
 5 Q. -- period that you were an owner or did
 6 it change?
 7 A. No, it stayed around the same.
 8 MR. CHAWAGA: That's all I have. Thank
 9 you very much.
 10 (EXAMINATION OF MR. WOLBERG BY MR. FACKENTHAL:)
 11 Q. I have just one question, maybe one
 12 question.
 13 During the time that you were employed
 14 there and during the time that you owned the company,
 15 was any product at all delivered to the site by a
 16 tanker truck?
 17 A. No.
 18 Q. And did you ever see a tanker truck on
 19 the site --
 20 A. No.
 21 Q. -- during the time that you worked
 22 there?
 23 A. No.
 24 Q. Or during the time that you owned it?
 25 A. No, I did not.

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1 MR. FACKENTHAL: Okay.
 2 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES:)
 3 Q. Let me just do one or two quick things,
 4 I didn't before mark this. If we could maybe mark
 5 this as LW-1. We'll get a little sticky for that.
 6 Just had one or two quick questions
 7 about the CD, I guess it's the apparatus that you
 8 described as chemical disposal.
 9 A. Um-hum.
 10 Q. I think you indicated its diameter was
 11 about your wing span, give or take. Do you recall
 12 about how often that was emptied?
 13 A. Once or twice. I'm going to say once a
 14 year.
 15 Q. And do you recall about how tall it was?
 16 A. It sat on a pedestal and I'm going to
 17 say about four feet.
 18 Q. Four feet tall?
 19 A. Now, I must tell you, although you
 20 didn't ask, it never came anywhere close to full. It
 21 was (indicating), had a little bit of stuff in it.
 22 Q. And was that the same -- it was a
 23 liquid, I assume?
 24 A. Yes.
 25 Q. And was that the same material that was

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1 being disposed of down the drain prior to --
 2 A. Yes.
 3 Q. Do you recall about when that was
 4 purchased, the CD?
 5 A. Early '80s. Late '70s, early '80s.
 6 Best I can do.
 7 MR. CHAWAGA: I'm sorry, you said do
 8 you recall when that was purchased and then you said
 9 something.
 10 MR. DAVIES: The CD, the chemical.
 11 THE WITNESS: We called it CD.
 12 MR. CHAWAGA: Okay. Sorry.
 13 MR. DAVIES: That's all I have.
 14 MR. MIANO: I'd like to ask a follow
 15 up.
 16 MR. DAVIES: Sure.
 17 (EXAMINATION OF MR. WOLBERG BY MR. MIANO:)
 18 Q. When that tank was emptied, where did
 19 the waste material go? In other words, the tank you
 20 said was used for treating the waste, where did that
 21 waste material go after it was --
 22 A. The sludge?
 23 Q. Whatever was in there.
 24 A. I don't know. We probably put it in a
 25 drum and had the drum taken.

16 (Pages 58 to 61)

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1 Q. But the liquid part, would that have
2 gone down the drain or would --
3 A. Yes.
4 Q. -- that have gone to the sewage system?
5 A. Yes, yes.
6 Q. Okay.
7 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES:)
8 Q. That's what I didn't understand before,
9 when you answered before that once a year it was
10 drained, let's say, are you talking about the sludge
11 that was removed once a year or the liquid?
12 A. The liquid, the treatment would be
13 approximately once a year. And that would go down
14 the drain. Now, I don't remember what happened at
15 that point but if there was some sludge that probably
16 would have been put in a drum. And then the drum
17 after X number of years may get moved.
18 Q. Do you recall if your facility had to
19 keep track of the amount of waste?
20 A. We had signatures out the gazoo.
21 MR. DAVIES: Did you want to put that
22 on?
23 MR. CHAWAGA: I don't want -- we have
24 to have an issue about that.
25 MR. MIANO: About what?

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1 MR. CHAWAGA: About just getting a copy
2 of the schematic. You want to --
3 MR. STEFANOWICZ: It's the only one I
4 have. You can make a copy of it. Can we make a
5 copy? I tried to make a copy last night but Kinkos
6 was out of whack, they didn't work.
7 MR. CHAWAGA: So, yeah, I'm happy to
8 make, probably should make since we referred to it --
9 MR. DAVIES: Right.
10 MR. CHAWAGA: -- make it an exhibit.
11 The only question of getting a copy of it.
12 MR. DAVIES: I mean I could certainly
13 make a copy of it and send it to you. I don't know
14 if I could get a copy made in the next two hours.
15 Although are you going to be here for the next
16 deposition as well?
17 MR. STEFANOWICZ: I expect to be, yes.
18 MR. DAVIES: I mean I bet by the end of
19 the day we could get it back.
20 MR. CHAWAGA: That's fine, if you could
21 do that, that would be great. That would be the
22 easiest. If not, I mean we can certainly do it.
23 MR. DAVIES: All right, why don't we
24 just mark that LW-2, the schematic. And that's from
25 1966?

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1 MR. CHAWAGA: That's what I'm just
2 reading the --
3 MR. MIANO: 7/22/66.
4 THE WITNESS: What year did he actually
5 move to Pennsylvania?
6 MR. DAVIES: Well, I have no further
7 questions. Does anyone else have anything?
8 (EXAMINATION OF MR. WOLBERG BY MR. FACKENTHAL:)
9 Q. What about the waste oil, how was that
10 disposed of?
11 A. You mean the machining oil?
12 Q. Yes.
13 A. He asked me that before.
14 Q. Sorry, I missed that.
15 A. I think that was just reused over and
16 over. All it was was, you know, a light oil.
17 Q. Pardon?
18 A. A light oil. I think -- if it were
19 disposed, I don't remember.
20 MR. FACKENTHAL: Okay.
21 MR. DAVIES: Thanks.
22 THE WITNESS: Okay.
23 MR. MIANO: We done?
24 MR. DAVIES: We're done.
25 (Exhibit LW-1, Diagram, marked for I.D.)

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1 (Exhibit LW-2, Schematic, marked for I.D.)
2 (Witness excused.)
3 (Testimony concluded.)
4
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17 (Pages 62 to 65)

Leonard Wolberg

November 23, 2004

Page 66

1 CERTIFICATE

2 I, Cynthia A. Cormaney, a Notary Public and
 3 Certified Shorthand Reporter of the State of New
 4 Jersey and a Commissioner of Deeds of the State of
 5 Pennsylvania, do hereby certify that prior to
 6 the commencement of the examination,

7 LEONARD WOLBERG

8 was duly sworn by me to testify to the truth,
 9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is
 11 a true and accurate transcript of the testimony
 12 as taken stenographically by and before me at the
 13 time, place and on the date hereinbefore set forth.

14 I do further certify that I am neither a
 15 relative nor employee nor attorney nor counsel of any
 16 of the parties to this action, and that I am neither
 17 a relative nor employee of such attorney or counsel
 18 and that I am not financially interested in this
 19 action.
 20
 21

 22 Cynthia A. Cormaney, C.S.R.

23 Notary Public, State of New Jersey

24 My Commission Expires July 24, 2006

25 Certificate No. XI01116

Date: December 6, 2004

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1 EXHIBITS

2 EXHIBITS RETAINED BY COUNSEL - NOT ATTACHED

3 EXHIBIT INDEX

4 (Exhibit LW-1, Diagram, marked for I.D.)..... 64:25

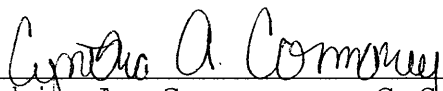
5 (Exhibit LW-2, Schematic, marked for I.D.)..... 65:1

18 (Pages 66 to 67)

C E R T I F I C A T E

I, Cynthia A. Cormaney, a Notary Public
and Certified Shorthand Reporter of the State
of New Jersey and a Commissioner of Deeds of
the State of Pennsylvania, do hereby certify
that the foregoing is a true and accurate
transcript of the testimony as taken
stenographically by and before me at the time,
place and on the date hereinbefore set forth.

I do further certify that I am neither a
relative nor employee nor attorney nor counsel
of any of the parties to this action, and that
I am neither a relative nor employee of such
attorney or counsel and that I am not
financially interested in this action.


Cynthia A. Cormaney, C.S.R.
Notary Public, State of New Jersey
My Commission Expires July 24, 2006
Certificate No. XI01116